

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

**STATE AUTOMOBILE MUTUAL
INSURANCE COMPANY,**

Plaintiff,

v.

Civil Action No. 3:14-CV-00229

JURY DEMAND

**FIREMAN FIRE PROTECTION, INC.,
JAMES G. STONE III, ROBIN ALETRAS,
And AUTO-OWNERS (MUTUAL) INSURANCE
COMPANY,**

Defendants.

and

**FIREMAN FIRE PROTECTION, INC. and
JAMES G. STONE III, JAMES G. STONE, JR.,
and BETTY R. STONE,**

Counter/Cross Plaintiffs/Intervening Plaintiffs,

v.

**STATE AUTOMOBILE MUTUAL INSURANCE
COMPANY and ROBIN ALETRAS,**

Counter/Cross Defendants.

INTERVENING COMPLAINT

COME NOW the Intervening Plaintiffs, James G. Stone, Jr. and Betty R. Stone, by and through counsel, and allege as follows for their Intervening Complaint against Robin Aletras:

PARTIES

1. Intervening Plaintiffs James G. Stone, Jr., and Betty R. Stone (hereafter "Mr. and Mrs. Stone") are residents of Sevier County, Tennessee and, along with their son James G.

(“Jamie”) Stone III, were the owners of the property located at 2912 Old Newport Highway, Sevierville, Tennessee (the “Premises”) at all times relevant hereto. James G. (“Jamie”) Stone, III is the sole owner and shareholder of Fireman Fire Protection, Inc. (“FFP”). Mr. and Mrs. Stone and Jamie Stone rented the Premises to FFP at all times relevant hereto.

2. Robin Aletras (“Aletras”) is a resident of Pigeon Forge, Tennessee.
3. This Complaint originates as the result of a fire that completely and totally damaged or destroyed the structure located on the Premises.

FACTS

4. At all times relevant hereto, the Premises consisted of a residential building, commercial office and work space, woodworking shop, and surrounding area.
5. On or about August 3, 2013, an accidental fire destroyed the building, business personal property, and personal property located on the Insured Premises, resulting in a total loss (the “Loss”).

6. The fire was accidentally caused by Aletras, who was working in the woodworking shop in the basement of the Premises. Specifically, while working in the wood shop, Aletras started the fire by accidentally dumping saw dust near a gas water heater with an exposed pilot light. The sawdust combusted, and the fire destroyed the Premises.

7. At the time of the Loss, the Premises was owned by James R. Stone, Jr., James R. Stone, III, and Betty R. Stone, who leased it to FFP.

CAUSES OF ACTION

Count 1 – Negligence

8. The allegations contained in Paragraphs 1-7 of this Complaint are incorporated herein by reference as if set forth verbatim.

9. Aletras was negligent in starting and failing to extinguish the fire that caused the Loss. Specifically, Aletras had a duty to utilize ordinary and reasonable care to avoid harm to the subject property and to avoid starting a fire that would damage the property. Like all persons, Aletras had a duty to use reasonable care to refrain from conduct that will foreseeably cause injury to others and to use reasonable care to protect against unreasonable risks of harm. Aletras breached those duties and was negligent.

10. As a result of Aletras' negligence, Mr. and Mrs. Stone were damaged. Aletras' negligence was the cause-in-fact and proximate cause of their damages.

11. Aletra is liable to Mr. and Mrs. Stone for their damages.

WHEREFORE, as a result of the foregoing, Mr. and Mrs. Stone would respectfully request that this Honorable Court award a judgment to them as follows:

- A. For compensatory damages against Aletras not to exceed \$1,500,000.00;
- B. For all costs incurred as a result of this action;
- C. For pre- and post-judgment interest; and
- D. For such other further and general relief as this Court deems just and equitable.

JURY DEMAND

Intervening Plaintiffs demand a jury.

Respectfully submitted,

GILBERT RUSSELL McWHERTER
SCOTT & BOBBITT PLC

s/ J. Brandon McWherter

J. BRANDON McWHERTER #21600

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Attorney for Intervening Plaintiffs

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of this Intervening Complaint has been mailed electronically via the Court's electronic filing system, to all counsel of record on this the 20th day of April, 2015:

s/ J. Brandon McWherter